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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 BOARD OF TRUSTEES OF THE SHEET)	NO. C 07 3204 PJH
METAL WORKERS, et al.,)	
)	(PROPOSED)
12 Plaintiffs,)	ORDER AND
)	<u>DEFAULT JUDGMENT</u>
13 vs.)	
)	
14 MTB INC., etc.,)	
)	
15 Defendant.)	
16 _____)	

17
18 Good cause appearing therefor, it is hereby ORDERED that
19 default judgment be entered in favor of Plaintiffs, BOARD OF
20 TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN
21 CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN
22 CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS
23 PLAN; ANTHONY ASHER, TRUSTEE, against defendant, MTB INC., a
24 California corporation,, as follows:

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1	1. Principal	
2	Contributions	\$9,768.62
3	Liquidated Damages	5,076.01
4	2. Interest	2,280.70
5	3. Attorneys fees	740.00
6	4. Costs	<u>430.00</u>
7	TOTAL:	<u>\$18,295.33</u>

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9 IT IS FURTHER ORDERED AND ADJUDGED in light of the

10 decision in International Union of Operating Engineers v. Richard

11 D. Karr, No. 91-35846 (9th Cir. 1993), the only issue raised in

12 this proceeding through the date of this default judgment is the

13 failure of defendant to pay known delinquent contributions for the

14 months of December 2005, May 2006, April 2007 and June 2007 based

15 upon unaudited financial information. The Court allows plaintiff

16 Trust Funds to reserve their rights to audit the defendant employer

17 for any periods not previously audited, including the time period

18 referred to above. Entry of this Judgment has no effect whatsoever

19 on either (a) plaintiff Trust Funds' right to audit defendant and

20 collect by subsequent legal action any sum found thereby to be due,

21 or (b) plaintiff Trust Funds' right to collect by subsequent legal

22 action any sums found to be due for any time period other than the

23 one referred to above.

24 DATED: _____

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JUDGE PHYLLIS J. HAMILTON